



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Tuesday, January 9, 2007, at 7:00 p.m.

### **1. Call to Order/Roll Call**

The following were present:

- Mayor Billy Bain
- Vice Mayor Rob Youngs
- Councilman Bob Best
- Councilman Paul C. Dotson

Absent: Councilman Xavier Garcia

Also Present:

- City Manager James R. Borgmann
- City Attorney Jan K. Seiden
- Finance Director William Alonso
- Police Captain Pete Baan
- Public Works Director Robert T. Williams
- Operations Superintendent Tom Nash
- Golf Director Michael W. Aldridge
- Building & Zoning Office Manager Harold Ziadie
- City Planner Richard E. Ventura
- City Clerk Magalí Valls

**2. Invocation:** Vice Mayor Youngs offered the invocation.

**Salute to the Flag:** The audience participated.

**3. Awards & Presentations:**

**3A) Certificate of Appreciation – Terry Parke**

Terry Parke was not present. The presentation will be re-scheduled.

**3B) Presentation of the Comprehensive Financial Annual Report (C.A.F.R.) for the Fiscal Year 2006 by the City's Auditors, Alberni, Caballero & Castellanos, L. L. P.**

City Manager Borgmann stated that he was pleased to present the Comprehensive Financial Annual Report (C.A.F.R.) and that Néstor Caballero from the auditing firm of Alberni, Caballero & Castellanos would deliver the report.

Néstor Caballero of Alberni, Caballero & Castellanos, L.L.P. stated that the Independent Auditor's Report is an unqualified clean opinion on this year's financial statements. The report required for Government Auditing Standards is related to internal control and compliance, which had no reportable conditions, weaknesses or instances of non-compliance for 2006.

Mr. Caballero said that a report is required under the Federal Single Audit when there are expenditures of federal funds over \$500,000. The Federal Emergency Management Agency (FEMA) fund was the major fund due the hurricane reimbursements and an unqualified opinion was issued on this grant.

A fourth report is required by the Auditor General of the State of Florida to follow up on prior year comments and recommendations and the financial condition assessment, according to Mr. Caballero, which he would go over in detail later in the presentation.

Mr. Caballero stated that the General Fund had excess revenues over expenditures totaling \$1.2 million, and most of this amount was applied to the unreserved fund balance, which increased from \$2.5 to \$3.4 million.

Mr. Caballero said that the Hurricane Fund with total expenditures of \$4.2 million is related to Hurricane Wilma clean-up and repairs and \$726,000 was transferred from the General Fund as a one-time expense for the matching requirement.

Mr. Caballero stated that the Golf Course Fund had operational losses of \$800,000 and \$437,000 was transferred from the General Fund to cover the operations. The Golf Course experienced many one-time transitional expenses due to the change in management and renovations. He said that next year would show better results of the transition.

Mr. Caballero reviewed the Statement of Revenues and Expenses and Changes for the Enterprise Funds. He explained that the increase in water and sewer rates resulted in excess revenues over expenditures of approximately \$1 million in the Water and Sewer Fund. This increased the unrestricted fund balance from a deficit of approximately \$500,000 to a positive, unrestricted fund balance of \$44,000.

The Sanitation Fund is the main concern because the fees are not covering the cost of the operation and the fund is operating at a deficit, according to Mr. Caballero. He recommended a fee increase to cover the negative cash flow.

Mr. Caballero reported that the Stormwater Fund had an excess of \$799,000 for this year's operations and the majority of that amount went to the unrestricted fund balance.

### **3B1) State Financial Condition Assessment for Fiscal Year 2006**

Mr. Caballero stated that over the last three years the City improved from an unfavorable financial condition assessment. The General Fund unreserved fund balance has increased from a negative position in 2002 to a positive position of more than \$3 million. Two of the top three financial condition indicators were favorable and the one that was inconclusive relates to the enterprise funds, which should improve with water and sewer rate increases. The findings from prior years have been cleared and only two recommendations remain, which are related to the Sanitation Fund and the Golf Course.

Councilman Dotson stated that it has been said that Miami Springs has the highest fees in the County as far as the sewer rates are concerned and it would not be surprising if the sanitation fees are in the same realm. The auditors recommend either raising the rates or to find some operating deficiencies to decrease the cost. He asked if there is any room for subsidizing accounts by folding the operation into Public Works.

Mr. Caballero responded that some cities fund sanitation with property tax dollars, which would affect the General Fund bottom line.

Councilman Dotson said that he understands it affects the General Fund but it might make it easier on the people who are paying the fees. The property tax problem is something to face, but he is looking for an opportunity to give relief in the payment of fees versus the payment of taxes.

Mr. Caballero said it is important for the fees to cover the cost of the operations for enterprise funds and this can be done by increasing fees or reducing costs.

City Manager Borgmann commented that the City's sanitation rates are fairly low in comparison to the County, and the cities of Miami, Coral Gables and Miami Beach. Even though the rates are higher in the County, they only provide two or three bulk trash pick ups per year and Miami Springs provides fifty-two. He explained that Miami Springs could move to a lower level of service, perhaps twice a month, which could reduce operating costs.

Councilman Dotson stated that he would like to be flexible and have an open mind about other variations of action rather than hitting the taxpayer.

### **3B2) Standard and Poor's Report for Fiscal Year 2006**

Finance Director William Alonso stated that the City has been upgraded for the second consecutive year from a BBB+ with a stable outlook to a BBB+ with a positive outlook. In 2003, Standard and Poor's had lowered the City's credit rating from an A to a BBB+ with a negative outlook.

Finance Director Alonso said that the improvements made by the City in the areas of increasing the fund balance, making the water and sewer operation self sustaining and reducing the Golf Course losses have been key elements considered in the credit upgrade. These improvements were achieved through the combined efforts of the City Council and Administration.

Finance Director Alonso stated that there is still more work to do in the areas of sanitation rates, which must be addressed in the next budget year. Overall, the City is headed in the right direction and everyone involved should be proud of the job they were able to achieve.

Councilman Dotson asked if there were any other barriers to getting an A rating other than the sanitation fund.

Finance Director Alonso said that the report addressed the Sanitation Fund as the key item in the report and upward rating action will be contingent on management's ability to continue to balance the budget and in achieving and maintaining self-supporting enterprise funds.

Vice Mayor Youngs thanked the City Manager and Finance Director for the turnaround in the financial condition with the positive outlook. He said that the Standard and Poor's rating is an independent business rating system, which is a gold standard of approval.

City Manager Borgmann congratulated Council for making tough decisions and taking bold actions to move forward.

Finance Director Alonso added that when City Manager Borgmann took over in 2003, many vendors would not extend credit to the City because of the length of time it took to pay the bills. The current rating shows that 84% of the City's bills are being paid within the vendors' terms, which is a significant improvement.

Mr. Caballero thanked Finance Director Alonso and the entire Administration for helping with the audit. He said that Mr. Alonso is one of the few Finance Directors who prepares his own financial statements and that he was glad to see the major turnaround in the City's financial condition assessment.

#### **4. Open Forum:**

##### **“Taste of the Springs”**

Margie Palmer of 141 Pinecrest Drive stated that she appeared before Council in September 2006 to request approval for the Springs River Festival dates for 2007. At that time she mentioned that the Committee wanted to hold the “Taste of the Springs” event at the Circle, in conjunction with an Antique and Classic Car Show on January 28, 2007.

Ms. Palmer explained that the event would be held from 2:00 to 5:00 p.m., including a row of fifteen restaurants and the advance tickets are available at City Hall, Cozy Corner and Bryson’s Irish Pub for \$20.00. Live entertainment by “Room Service” will begin at 4:00 p.m. until 8:00 p.m. preceded by rock and roll music. The Optimist Club is holding a fundraiser with hotdogs and hamburgers.

Ms. Palmer requested Council approval to have a cash bar with a one-day special event license.

**Vice Mayor Youngs moved to approve the request for the “Taste of the Springs” as proposed, with the one-day liquor license for a cash bar, and Councilman Best seconded the motion. On roll call vote, the motion was carried 4-0.**

#### **Recreation Center**

Karl Bithorn of 1070 Wren Avenue stated that fifty years ago a committee of citizens had a vision to build a Recreation Center, which made Miami Springs a first class city. The facilities are the centerpiece of the Recreation Program and after 50-years of wear and tear it is time to take action in order to move forward into the next 50-years. A community center is needed to enhance programs and activities. It is time for Council to have the vision and courage to make this happen for the future quality of life for the kids and grandkids.

#### **Recreation Center**

George Lob of 860 Plover Avenue urged everyone to work together to either repair or build a new Recreation Center. He would support the construction of a new facility, which is something that the City really needs.

#### **5. Approval of Council Minutes:**

##### **5A) 12/11/2006 – Regular Meeting**

Minutes of the December 11, 2006 were **approved as written**, on motion by **Vice Mayor Youngs**. **Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**6. Reports from Boards & Commissions:**

**6A) 12/14/2006 – Board of Parks and Parkways – Cancellation Notice**

Cancellation Notice of the December 14, 2006 Board of Parks and Parkways meeting was received for information without comment.

**6B) 12/28/2006 – Code Review Board – Cancellation Notice**

Cancellation Notice of the December 28, 2006 Code Review Board meeting was received for information without comment.

**6C) 01/02/2007 – Code Enforcement Board – Cancellation Notice**

Cancellation Notice of the January 2, 2007 Code Enforcement Board meeting was received for information without comment.

**6D) 01/03/2007 – Memorial Committee – Minutes**

Minutes of the January 3, 2007 Memorial Committee meeting were received for information.

Mayor Bain asked the City Manager to provide information to the Committee regarding Ray Stoltz since the members are new and apparently are not aware of the contributions made by the former Recreation Director.

**6E) 01/03/2007 – Zoning and Planning Board – Minutes**

Minutes of the January 3, 2007 Zoning and Planning Board meeting were received for information without comment.

**6F) 01/03/2007 – Board of Adjustment – Approval of Actions Taken at their Meeting of January 3, 2007, Subject to the 10-day Appeal Period**

Actions taken by the Board of Adjustment were approved, subject to the 10-day appeal period.

**Councilman Best moved to approve and Councilman Dotson seconded the motion which was carried 4-0 on roll call vote.**

City Attorney Seiden stated that the Board of Adjustment requested consideration of amending the ordinance for metal roofs. He said that they also discussed pool and sprinkler equipment and would like to include a provision in the same ordinance that was adopted a few months ago regarding air conditioning units. City Attorney Seiden stated that he would provide this information in a memorandum to Council.

**7. Public Hearings:**

Council sat as the Board of Appeals at 7:35 p.m.

The Mayor reconvened the City Council meeting at 7:50 p.m.

**8. Consent Agenda:**

**8A) Approval of City Attorney's Invoice for December 2006 in the Amount of \$8,096.00**

There was no discussion regarding this item.

**Vice Mayor Youngs moved to approve and Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**9. Old Business:**

**9A) Appointment to the Ecology Board by Mayor Bain for a Full 3-Year Term Ending on April 30, 2009 (Joe Podgor's seat)**

Mayor Bain **deferred** his appointment.

**9B) Appointment to the Ecology Board by Vice Mayor Youngs (Group IV) for an Unexpired Term Ending on April 30, 2007 Created by the Resignation of Donna Dawson**

Vice Mayor Youngs **deferred** his appointment.

**9C) Appointment to the Code Review Board by Councilman Dotson (Group II) to Fill and Unexpired Term Ending on April 30, 2008 Created by the Resignation of Daniel Espino**

Councilman Dotson **deferred** his appointment.

**9D) Appointment of the Alternate Member of the Board of Adjustment by Councilman Dotson (Group II) for a 3-year Term Ending on October 31, 2009 (Daniel Espino's seat)**

Councilman Dotson **deferred** his appointment.

**9E) Appointment to the Education Advisory Board by Councilman Garcia (Group III) to Fill an Unexpired Term Ending on May 31, 2007 Created by Three Absences of Robert Gonzalez**

Councilman Garcia was not present and the appointment was **deferred**.

**9F) Discussion Regarding the Gymnasium (Tabled: 12/11/2006)**

**9F1) Refurbishing vs. New Construction**

Mayor Bain said that one of his goals for the City is to construct a new gym. He added that Councilman Best has been in touch with Senator Bill Nelson regarding funding for this project and that the City received a check from Representative Lincoln Diaz-Balart.

Mayor Bain stated that a decision must be made for the children and the entire community. Local resident and Architect Martin Marquez has done a lot of work to present a report on refurbishing the gym at his own expense. He was of the opinion that, whatever happens, it will be the decision of the people in the community and both sides of the issue should be presented whether it is refurbishing or rebuilding the gym.

Junior Silva of 41 Hunting Lodge Court said that many cities have adequate recreational facilities or plans for new facilities. He is aware that construction is expensive but when the cost is spread over fifty or seventy-five years it becomes a much smaller dollar figure. A new facility would have many uses, including a hurricane or disaster shelter as well as providing space for other programs.

Optimist Club President George Lob of 860 Plover Avenue stated that a recreation facility is for everyone in Miami Springs, not just the children. The current condition of the gym does not say much for the people who originally built it because at the time it was built, it was one of the best gyms in South Florida and he would like to once again have one of the best facilities. He stressed the importance of maintenance. He would like the citizens to have an opportunity to vote on this issue.

Michael Gavila of 684 Morningside Drive urged Council to support the construction of a new recreation center.

Martin Marquez of 401 Hunting Lodge Drive stated that he became involved in this project after reading the reports from Post Buckley Schuh & Jernigan after the 40-year recertification. He was concerned about statements that were made about tearing down and building a new gym and decided to work on three options. The first option is to refurbish the existing gym, the second is refurbishing and expansion on the ground floor level, and the third is the replacement of the entire facility.

Mr. Marquez prepared a slide presentation of his report, which was shown on the overhead projector. He said that the inspection underneath the gym did not reveal any major structural problems. From experience he knows that when concrete is placed in the proximity with chlorine there is a problem, which appears to be the case at the gym.

Mr. Marquez said that Post Buckley's report which dates back to 2000 indicates that two sides of the gymnasium would have to remain in place because the concrete panels were integrated to the pool and the annex, which is not the case because they are separated by expansion joints. He said that all the panels could come down because they are in bad condition. The main structure is very solid with no cracking or stressing, although a professional structural engineering inspection should be done.

Mr. Marquez displayed photographs of the wood sub-floor that is in good shape. He said that there is an expansion joint around the pool that appears to have been leaking a long time, which is damaging the surrounding concrete. This problem is easy to fix and should be addressed.

Mr. Marquez recommended opening the access to the crawl space in order to be able to get underneath the pool area to make it easier to maintain. He suggested installing lighting and mechanical ventilation, fixing the leaks around the pool and instituting a periodic maintenance program.

Mr. Marquez presented a range for possible construction costs based on three alternatives. He said that the first option would cost \$900,000 to \$2 million to refurbish the gym properly. The second option would be to refurbish the gym and expand the existing ground floor area by 10,400 square feet, which would range from \$2.5 million to \$4.5 million. A new gym and expanding the facility would require six to seven acres of land, additional parking, new paving, drainage and lighting that could range between \$9 million to \$16 million.

To answer Councilman Dotson's question, Mr. Marquez stated that it would cost approximately \$100,000 to \$250,000 for the remedial work underneath the pool.

City Manager Borgmann said that the 40-year recertification revealed many of the problems that were identified by Mr. Marquez. An extensive amount of work was done on the pool and the structure is sound.

Councilman Best said that he was impressed with Mr. Marquez' report. He felt that the improved financial condition of the City would allow more flexibility in taking on capital projects of this nature, but cost efficiency must be considered. He explained that the gym is a major priority for this administration and they agreed to move forward in one fashion or another to improve the gym.

City Manager Borgmann referred to the PBS&J proposal dated August 2000, which estimated it would cost \$2 million to refurbish the gymnasium. Since construction materials have escalated since that time and depending on the materials, the current cost could be 50% more, somewhere in the \$3 million range.

Mayor Bain said that he would like to make a decision and give direction to move forward by authorizing the City Manager to secure an engineering report to determine if the gym will support new panels and a second story on top of the existing offices. He added that the funds that were allocated could be used for architectural drawings and a Request for Quotations (RFQ) could be put out to hire an architectural firm to draw the plans for the new gym with the input of Staff and residents.

Mayor Bain felt that the residents should make the decision about financing the new gym. He said that there are building corporations that design and build gyms according to the current codes and specifications.

Mayor Bain stated that it is important to know whether or not it is possible to add on to the existing facility in order to proceed. He would like to have drawings of the new gym so it could be put out for bid and for the residents to make a decision about refurbishing or rebuilding.

Mayor Bain said that it is disheartening to see the gym leaking with a green roof on it. He grew up in the City, there is quality of life and sometimes it costs money to achieve this. Council should give direction to the City Manager in order to get the process started, in order to determine if the existing building is structurally sound to add the new panels and the second floor on top of the annex and to go out to bid to hire an architectural firm to design the drawings for a new facility.

Councilman Dotson said that he is interested in exploring the options as suggested by the Mayor. He wants to be careful not to duplicate what happened in Weston because they spent \$700,000 for plans and when an additional \$80,000 was needed to finish, the people said no, and the cost of the project increased from \$15 million to \$27 million.

Councilman Dotson stated that it makes sense for an engineering firm to determine the cost of the options and this should be done before hiring an architect. The stress on the upper level of the building and whether or not it can support a second floor is an option, and this is where he would like to start.

Councilman Best agreed with Councilman Dotson that hiring an engineer would certainly be the first step before going to a full scale architectural rendering.

Mayor Bain said that if the engineering report shows that the existing building cannot support an addition, then the City Manager would have the option to put out a Request for Quotations to hire an architect to begin the design. These two steps would get the ball rolling, otherwise nothing is getting done.

The Mayor stated that he would entertain two motions, the first to hire an engineer to find out if the building is structurally sound to support the addition and the panels and the second would be to allow architects to bid on the design drawings for the new gym.

Vice Mayor Youngs said that he would be in favor of hiring an engineer to determine if the gym is structurally sound and could be refurbished and to determine if the annex buildings could support a second story. This would be a preliminary step before determining what should be done. He suggested utilizing the funds that are available to prepare the diagnostic report.

**Vice Mayor Youngs moved to authorize the City Manager to set the specs and hire an engineer to do a structural study of the gymnasium and the annex building to answer the questions concerning refurbishment and if the annex building could support a second story. Councilman Best seconded the motion.**

Martin Marquez stated that the engineering group who does the study should provide calculations so that they can be independently verified as to soil bearing capacities, structural steel capacity, etc.

Mayor Bain said that it must be a professional and accurate study because the safety and well being of those who use the gym is important.

City Manager Borgmann stated that an engineering firm could be hired to perform the work and the City's structural inspector could certainly make a recommendation.

**The motion was carried 4-0 on roll call vote.**

Vice Mayor Youngs was of the opinion that it is not time to hire an architect because it is still unknown whether or not the gym will be refurbished or a completely new gym will be constructed. There were previous discussions about the possibility of moving portions of the facility to the Golf Course area and Council requested a Recreation Plan, including capital improvements.

Vice Mayor Youngs would like to have a needs analysis. The separate buildings will allow performing different functions on the same site and allow the possibility of first class recreational programs, which has been lacking. The demographics show that the number of children in the programs is increasing and community programs are increasing. The size of the gym is another consideration.

Vice Mayor Youngs said that he would like to instruct the City Manager and the Recreation Department to present a proposal of what a first class City of 13,700 people need in the way of recreation facilities given the demographics and the number of children. The number should be increased by 1,000 because children from the Village of Virginia Gardens will participate as well and Medley would be a minimal difference. It must be determined what is needed to accommodate all sports programs, which is a needs assessment.

Vice Mayor Youngs asked to consider hurricane shelter requirements because the City needs a shelter as part of a disaster preparedness program. The load and wind capacity numbers are available. He would like the City Manager to prepare a needs analysis in terms of recreation programs and a hurricane shelter.

Mayor Bain stated that there is nothing wrong with having the architect ready once the analysis is completed.

City Manager Borgmann said that an engineer would determine what could be done with the existing facility. Refurbishing the gym could be a three to eight month project at which time the facility would not be usable. One reason for recommending a new gym is that the existing facility could remain open while the new facility is constructed and when it is finished, the old building would be demolished and parking would be constructed.

City Manager Borgmann stated that the future needs assessment is a champion idea. A building with two basketball courts would solve today's problem and it is important for kids to remain active in recreation activities.

Councilman Dotson said that he is very interested in a needs analysis. When he was growing up, the kids did not have a gym and his family participated in the effort to build the gym by circulating petitions to approve the project. A gym is a wonderful facility for the community, but he would like to see outdoor basketball courts.

Councilman Dotson hoped that the City would not retain an architect until the first stage is solved and then Council can discuss the next phase.

City Manager Borgmann explained that the outdoor basketball court was part of the Recreation Plan.

Mayor Bain suggested that the City could offer funds to the churches with basketball courts for maintenance and equipment so that the children can play on them, which would be an immediate solution. He added that there are vacant courts at the apartments on North Royal Poinciana Boulevard.

Councilman Dotson explained that he is not opposed to the Mayor's suggestion, but he would like the City to have standard outdoor basketball courts.

City Manager Borgmann stated that the Recreation Master Plan addressed outdoor facilities for tennis, basketball or a skate park.

Councilman Best agreed that a needs analysis is an excellent idea but that the City Manager had already prepared an extensive Recreation Master Plan and the Recreation Commission has made good recommendations as to what the residents want, which is valuable information.

Mayor Bain added that the Recreation Department Staff works with the public on a daily basis and they could present information for the next meeting. He said that he would like to present both alternatives to the residents and if the engineering report shows that the existing building cannot support an addition, he would like to have an architect in place together with a report from the Staff.

Councilman Best inquired about the time frame for the stress analysis report.

City Manager Borgmann said that if Post Buckley Schuh and Jernigan has the time, that he could get the report as soon as possible.

Mayor Bain clarified that Council is not taking any steps to propose a new gym at this time.

Vice Mayor Youngs reiterated that it might be premature to hire an architect until it is determined if the existing gym can be refurbished.

George Lob of 860 Plover would like Council to keep in mind that there is an urgent need to repair the gymnasium roof.

Tony Silva of 1298 Robin Avenue, Coach and Vice President of the Miami Springs Optimist Club said that the main issue is the safety of the kids. The roof is leaking even after the placement of the tarps, which is a slip and fall hazard that requires immediate attention.

Joe Galleno of 181 Navajo Street stated that the kids use and enjoy the gym. He agrees that an engineering study should be made before taking additional steps, as well as finding a cost effective way to design a new facility, possibly with the help of architectural students who could provide concept sketches.

Mr. Galleno said that the residents would like to have an idea for a new facility based on the needs of the community that could be put out to bid. He explained that he totally supports a new gym as long as it is carefully planned.

Alex Friacavo (?) of 70 South Royal Poinciana Boulevard stated that first an engineer must determine if it is economically feasible to add on to the existing buildings and, if not, tear it down and find an architect to design a new one. He urged Council to follow the appropriate steps.

Mayor Bain said that he proposed utilizing college students with the help of City Staff to design drawings for a new facility.

Councilman Best stated that it is important to find out how the residents feel about refurbishing or building a new facility and if it goes to the vote of the people, they must have information in order to make a choice.

Vice Mayor Youngs questioned if there were immediate roof repairs that need to be done and Mayor Bain explained that the roof would be considered under the next agenda item.

## **9F2) Roof and Termite Treatment**

Mayor Bain said that he was called to look at the gym when it was raining and the roof was leaking. The basketball practice was cancelled and it resumed when it stopped raining. He emphasized that a decision must be made to repair the roof for the safety of the people who are using the gym.

Councilman Best agreed that the roof must be repaired for safety reasons. He asked the City Manager how much the repair would cost.

Attorney Seiden stated that the record will show that a potentially dangerous condition exists at the gym, which cannot be allowed, regardless of the cost.

City Manager Borgmann stated that approximately eight years ago the City received funds from the Safe Neighborhood Parks Bond for a new roof. Council selected the lowest bidder for \$20,000, which staff did not recommend, while all other bids were in the \$40,000 range. The roof started to leak within six months and the contractor could not be found. He explained that no roofing company wants to make repairs because it could cause new leaks and a current estimate would be in the \$60,000 range. The green tarp for \$3,900 was installed by a licensed and insured roofer who has come back twice to try to fix the situation.

Councilman Dotson agreed that a dangerous situation exists that must be resolved or else the gym must be closed. He would like to make sure that nobody is exposed to danger.

Mayor Bain asked for a motion to allow the City Manager to move forward and secure a new roof.

Attorney Seiden clarified that a new roof would have to go through the bidding process.

City Manager Borgmann explained that funds for a new roof were included in the budget, but everyone agreed that they would like to plan for either refurbishing the existing gym or building a new facility. The termite treatment is going to cost another \$15,000 to \$20,000, which brings the total to \$80,000.

Mayor Bain stated that the safety and well-being of the players in the gym is most important.

City Manager Borgmann added that no teams should be allowed in the facility when there is water on the floor and it was closed when the roof was leaking. The kids are allowed to play if the floor is mopped and dry and they were asked to leave when the roof was leaking.

Vice Mayor Youngs said that if a new roof is not incompatible with refurbishing the gym, then there should be no hesitation to do that. He felt that instead of tearing the old facility down and spending the money for a new facility, it seems the direction should be to refurbish the gym and build additional buildings to meet the needs of the community.

Vice Mayor Youngs stated that the money for the new roof would not be wasted if the footprint of the gym remains the same. The window of time opportunity to raise sufficient cash for a new facility is lost and it might be better to authorize the funds for the new roof.

Mayor Bain explained that he would like a motion to authorize the City Manager to fix the roof and the latitude to approve a new roof as needed in order to keep the kids safe.

Vice Mayor Youngs clarified that the funds are included in the budget and Council could approve an amount up to \$60,000 for a new roof.

Councilman Best asked to address the termite problem at the same time.

City Manager Borgmann asked Council to first address the roof and wood damage before the termite treatment.

**Vice Mayor Youngs moved to authorize the City Manager to secure a new roof for the gymnasium using the funds that were set aside in the budget up to \$60,000 and Councilman Best seconded the motion which was carried 4-0 on roll call vote.**

**Vice Mayor Youngs moved to authorize the City Manager to make the necessary termite repairs and tenting for the gymnasium up to the amount of \$15,000.**

**City Manager Borgmann said that the bids for the new roof and termite treatment would come back to Council for final approval. He only needed direction.**

Karl Bithorn stated that there should be a contingency plan for the basketball program that just began with 200 kids participating and obviously, the roof needs to be fixed as soon as possible.

City Manager Borgmann said that debris will fall into the gym and it can be kept clean enough to allow the kids to play.

Vice Mayor Youngs stated that the City Manager has the flexibility to take temporary measures.

City Manager Borgmann explained that the green roof would be used as long as possible if the leaks can be controlled. During the last rain the roof leaked in two places.

Councilman Dotson asked the City Manager to ensure that there is no hazard.

City Manager Borgmann verified that Staff shuts down the facility when it is unsafe.

*(Agenda Item 10G was discussed at this time)*

## **9G) Swale Ordinance Implementation Recommendation**

City Manager Borgmann stated that Assistant City Manager Ron Gorland and Building and Zoning Office Supervisor Harold “Tex” Ziadie have been working together on the implementation of the ordinance to make sure the public receives proper notice.

Mayor Bain explained that the purpose of the ordinance was to regulate unauthorized parking in the swale for those who are abusing the situation. He said that he would not want to enforce the ordinance for parties or special events.

Harold “Tex” Ziadie reported that the ordinance does not address parties. He explained that the Police Department will address complaints after hours in an effort to resolve the problem and tickets would only be issued as a last resort when someone refuses to cooperate.

Mr. Ziadie added that courtesy notices were prepared with anticipation that they would not go to the ticketing process, except for repeat offenders.

Joseph Castillo of 1251 Falcon Avenue asked how many warnings would be issued.

City Attorney Seiden stated that the Police and Code Compliance Officers would use their discretion and enforce the ordinance if necessary.

Mr. Castillo expressed his concern that the ordinance would not prohibit unauthorized parking in his swale.

Mayor Bain explained that the ordinance would not go into effect until February 1<sup>st</sup> and since it is something new, the Officers will use their discretion when issuing warnings and tickets.

Mr. Ziadie said the Officers will do everything possible to find the persons to ask them to comply and if this is not possible, they would leave a written notice on the windshield. If the person refuses to comply, then a ticket would be issued.

Attorney Seiden added that a log of license tag numbers would be maintained so there is a record of who receives notices.

Tim Hawks of 549 Payne Drive thanked the Mayor and Council for addressing this and other issues.

Vice Mayor Youngs complimented Mr. Ziadie, Assistant Manager Gorland and the Code Compliance Staff for their work, which is professional and resident friendly.

**10. New Business:**

**10A) Appointment to the Code Enforcement Board by Vice Mayor Youngs (Group IV) to Fill an Unexpired Term Ending on September 30, 2007 Created by Three Absences of Erik Michelson**

Vice Mayor Youngs **deferred** his appointment.

**10B) Appointment to the Historic Preservation Board by Mayor Bain for a Full Three Year Term Ending on January 31, 2010 (Sydney Garton's seat)**

Mayor Bain **deferred** his appointment.

**10C) Appointment to the Historic Preservation Board by Vice Mayor Youngs (Group IV) for a Full Three Year Term Ending on January 31, 2010 (Mary Ann Taylor's seat)**

Vice Mayor Youngs **deferred** his appointment.

**10D) Report from the City Manager on Legislative Priorities**

City Manager Borgmann stated that he received news during the holiday break that the City's legislative requests were due earlier this year and he attended a Workshop and submitted the request to the Dade Delegation on December 29, 2006.

City Manager Borgmann provided a copy of the Community Budget Issue Request that he updated based on last year's request. The requests have been entered into the system and they are being sponsored by Senator Rudy Garcia. Speaker of the House Marco Rubio is a friend of the City and hopefully Governor Crist will be fairer with the tax dollars.

**10E) Consideration of Payment in the Amount of \$10,222.49 to FPL-Power Systems for the Relocation of Two Poles**

City Manager Borgmann stated that a few years ago a resident applied for a permit to build a new fence in his rear yard, but it created a situation that prohibited the garbage trucks from going down the alley, which necessitated the crews to pull the barrels to the front yard. The automated garbage system was put into place to reduce labor costs and injuries.

City Manager Borgmann said that the City received another request from a resident on Deer Run to do the same thing. There are two power poles that will have to be relocated to allow the garbage trucks to pass or else the barrels for the entire block would have to be pulled to the front yard and rolled back, which is an injury prone occupation.

City Manager Borgmann stated that the cost for relocating the two poles from Florida Power and Light is \$10,222.49, which would be the City's responsibility.

Councilman Dotson said that he would like to see an analysis of what it would cost on a weekly basis to provide curbside service.

City Manager Borgmann stated that he did not know the cost today and it would be a forever proposition as opposed to a one-time expense to relocate the poles.

City Attorney Seiden said that one Workers Compensation claim could far exceed the cost to relocate the poles.

Councilman Dotson added that the additional work would also slow down the collection.

Public Works Director Robert Williams agreed that curbside service would slow down the collection and the trash service would also be affected. The resident's property line happens to be in the center of the alley.

**Councilman Best moved to approve and Vice Mayor Youngs seconded the motion which was carried 4-0 on roll call vote.**

#### **10F) Discussion Regarding Permit Fee Increase Recommendation**

City Manager Borgmann stated that Assistant City Manager Gorland was unable to be present but Tex Ziadie is present and he did a lot of the groundwork on the permit fees.

City Manager Borgmann said that many of the permit fees are low compared to other cities in the County and since the Building Department is funded through the permit fees, it becomes a situation that requires subsidizing from the General Fund to cover the cost of operations. This is the first time in many years that the fees are actually below the costs, which is a situation that needs to be addressed.

Councilman Best felt that the recommendation to increase the minimum fee to \$75.00 is reasonable.

Councilman Dotson agreed with Councilman Best that the fee increase is reasonable and he would support the recommendation.

To answer the Mayor's question, Mr. Ziadie clarified that the minimum fee would be \$75.00 for all permits.

**By consensus, Council directed the Administration to draft a resolution for the fee increase.**

*(Agenda Item 10G discussed after 9F2)*

**10G) Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date**

City Manager Borgmann stated that the Administration is requesting approval of a resolution to amend the Schedule of Charges and Fees for the operation of the Miami Springs Golf and Country Club. This is because a recent tournament was approved during prime time on a Saturday, which will result in a loss of \$2,000.

City Attorney Seiden read the resolution by title. He stated that language was added to Exhibit “A” on the fees, which is attached to the standard resolution.

City Manager clarified that weekend and holiday tournaments are not permitted while peak season rates are in effect.

**Vice Mayor Youngs moved to adopt resolution and Councilman Best seconded the motion which was carried 4-0 on roll call vote (Resolution No. 2007-3343).**

**11. Other Business:**

**11A) Scheduling of Council Workshop Meeting to Discuss An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-041, R-1A District; 150.042, R-1B District; 150.043, R-1C District, and 150-044, R-1D District, to Provide New Building Height Limitations, Lot Coverage Restriction, and Side Yard Requirements for Two-story Structures; Repealing all Ordinances or Parts of Ordinances in Conflict; Providing an Effective Date (First Reading: 11/13/2006 – “Second” First Reading: 11/28/2006 – “Third” First Reading: 12/11/2006)**

Council **scheduled** a Workshop Meeting for Wednesday, January 17, 2007 at 7:30 p.m.

**11B) Consideration of Offers to Sell City Cell Tower Leases to Third Party**

City Manager Borgmann stated that he was approached by two companies to buy the leases for the cell tower.

City Attorney Seiden explained that the request is to purchase the ability to lease the cell tower, which is an unusual concept. The City would not be selling anything that is owned, only assigning the right to what it has.

City Manager Borgmann said that the City would give up the income that is collected on an annual basis from the cell tower owner and the co-locators of other cell companies that have attached to the tower. He explained that this transaction would be treated as the sale of an asset, which would require Council approval.

City Manager Borgmann stated that one offer was received for \$450,000 and the City would end up losing money over a ten-year period. Another offer of \$600,000 was received and an analysis shows that \$700,000 might be reasonable, assuming the funds are placed in an interest bearing account for a period of fifteen years.

To answer the Mayor's question, Mr. Borgmann said that if a decision is made not to sell, the City would still receive the annual lease payments, which go up every year.

Finance Director Alonso said that this year's annual lease payment is approximately \$55,000 and it increases 4% every year. He based his analysis on fifteen years because the current lease is up in five years and there is an option to renew for two additional five-year terms.

Mr. Alonso explained that it is a gamble because no one knows what technology will be like in the future, and if the tower is not needed they will not renew the lease. The only benefit to the lump sum payment is that the funds are guaranteed for the next fifteen years.

City Attorney Seiden stated that he designed the lease for the protection of the City and there are controls over what happens at that location. Once the control of the tower is assigned away, the City will lose control. He added that currently the tower accommodates three or four users and as the cellular technology improves, it might allow ten co-locators.

**By consensus, Council rejected any efforts to sell off the City's interests in the cell tower.**

## **12. Reports & Recommendations:**

### **12A) City Attorney**

No report.

### **12B) City Manager**

#### **Attendance Boundary Regulations**

City Manager Borgmann stated that he received the preliminary attendance boundary regulation studies that seem to be favorable for reducing the student population at Springview Elementary and Miami Springs Senior High School. He will provide copies for Council.

## **Post Buckley Schuh & Jernigan, Inc.**

City Manager Borgmann said that he received a response from Post Buckley Schuh & Jernigan in regard to a September 2006 newspaper article. He stated that a representative from Post Buckley would appear before Council to provide further explanation if Council feels this is necessary.

## **Baseball Registration**

Little League baseball registration will take place at the Recreation Center on the next five Saturdays until February 10, 2007, from 9:00 a.m. to noon.

## **Pelican Players**

The Pelican Players are signing up for winter classes and the information is posted on Channel 77.

## **12C) City Council**

### **Attendance Boundary Committee**

Vice Mayor Youngs reported that meetings of the Attendance Boundary Committee (ABC) are scheduled. He will review the draft proposal with Robert Kalinsky on the computer system that indicates where the students live, which is available for anyone to review at Regional Center 3 Office.

Vice Mayor Youngs said that an informal consensus approving the proposal is needed, and if not, action is required by the community in order to provide alternatives. The preliminary indications are very favorable and Miami Springs Senior High School could be reduced to the permanent capacity of 2,600 students within the next few years.

### **Basketball Program**

Councilman Dotson inquired about the Basketball Program schedule.

City Manager Borgmann said that he would provide a schedule of the games that begin next week, which are held every night at 6:45 p.m.

### **Street Lights**

Councilman Dotson reported that the lights are out at the corner of Park Street and Glen Way, as well as on Morningside and Glen Way.

### **Flower Planting**

Vice Mayor Youngs complimented Councilman Dotson and the Public Works Department for the flowers that were planted at the Circle on Pinecrest Drive.

### **Proclamation**

Councilman Best reported that he had the opportunity of presenting a proclamation on behalf of Mayor Bain to the Daughters of the Nile, which is an organization that works with the Shriner's to support children hospitals throughout the country.

### **Police Department**

Councilman Best stated that thanks to Chief Dilling he rode on the third shift with the Police Department on December 15, 2006, and it was interesting to learn the procedures of the Department in order to provide safety for the residents.

### **Recreation Commission**

Councilman Best noted that the Recreation Commission held their meeting concurrently with the City Council meeting, which is much appreciated.

### **Men's Golf Association**

Councilman Best asked if non-resident members of the Men's Golf Association are eligible to play for the resident rate during the week.

Finance Director Alonso stated that non-resident members of the association play for a special rate on Sunday mornings, but not during the week.

### **Happy New Year**

Councilman Best wished everyone a Happy New Year.

### **Road Closing**

Mayor Bain announced that the road would be closed at the railroad crossing on North Royal Poinciana Boulevard from January 9<sup>th</sup> to January 14, 2007.

## **Gymnasium**

Mayor Bain said that he appreciated the ideas that were discussed about the Recreation Center gymnasium. He hopes that people understand that the issue is about the facilities that are needed for the betterment of the community, whether or not a decision is made to construct a new gym. Council must present both sides of the issue to the residents.

## **Happy New Year**

Mayor Bain wished everyone a Happy New year and a good evening.

## **13. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 10:03 p.m.

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Billy Bain  
Mayor

## **ATTEST:**

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Magalí Valls, CMC  
City Clerk

Approved as written during meeting of: 1/22/2007

Transcription assistance provided by S. Hitaffer